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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/836,619 | 04/16/2001 | Darwin Aldis Salls | | 7796 |

7590 04/13/2004

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EXAMINER

GART, MATTHEW S

| ART UNIT | PAPER NUMBER |
|----------|--------------|
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3625

DATE MAILED: 04/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/836,619

Applicant(s)

SALLS, DARWIN ALDIS

Examiner

Matthew s Gart

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-7 are rejected under 35 U.S.C. 102(e) as being anticipated by

Pellegrini U.S. Patent Application Publication 2002/0077982.

Referring to claim 1. Pellegrini discloses a raffle computer for conducting an on-line raffle session, said computer being coupled to a plurality of remote computers across a computer network; said computer comprising:

- One or more processors (Figure 1);
- A data base for storing previously registered plurality of articles and registrants (Figure 2);
- A data base for storing previously registered plurality of raffle ticket purchasers (Figure 2);
- A communication component for receiving said plurality of articles and registrants registration from said plurality of remote computers and sending the received articles and registrants registration to said processor (Figure 2);

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- Wherein, said processor receiving said plurality of articles and registrants registration, categorizes a plurality of articles into a raffle directory (paragraph 0002);
- A communication component for receiving said plurality of raffle ticket purchasers from said plurality of remote computers and sending the raffle ticket purchases to said processor (Figure 1);
- Wherein, said processor determines each raffle ticket purchase for each article and stores the determined totals in said raffle ticket purchaser data base (paragraph 007 through paragraph 0011);
- Wherein, after a threshold number of sold raffle tickets is reached, a winning raffle ticket number is selected and matched to said raffle ticket purchaser data base to declare a winner (paragraph 0028).

Referring to claim 2. Pellegrini further discloses a computer wherein said processor creates registration records in said plurality of articles and registrants data base, wherein, each registration record corresponds to an article and registrant account created by registrants using said remote computers, wherein, each article and registrant account comprises, an article, an article identification number, a registrant name, and a registrant identification number (paragraph 0031 and Figure 3).

The Examiner notes, claim 2 recites, “each article and registrant account comprises, an article, an article identification number, a registrant name, and a registrant identification number.” The registrant account contains information that qualifies as descriptive material since it is directed to the content of data, not structure

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or an action step. The claim as a whole does not depend on the content of the registrant account; therefore the content of the data is nonfunctional descriptive material and is given little patentable weight.

Referring to claim 3. Pellegrini further discloses a computer wherein said processor creates registration records in said plurality of raffle ticket purchasers data base, wherein each registration record corresponds to a raffle ticket purchaser account created by raffle ticket purchasers using said remote computers, wherein each raffle ticket purchaser account comprises a purchaser name, a purchase address, a purchaser identification number, and a financial account identification number (paragraph 0031 and Figure 3).

The Examiner notes, claim 3 recites, "each raffle ticket purchaser account comprises a purchaser name, a purchase address, a purchaser identification number, and a financial account identification number." The raffle ticket purchaser account contains information that qualifies as descriptive material since it is directed to the content of data, not structure or an action step. The claim as a whole does not depend on the content of the raffle ticket purchaser account; therefore the content of the data is nonfunctional descriptive material and is given little patentable weight.

Referring to claim 4. Pellegrini further discloses a computer wherein said communication component receives, with each raffle ticket purchase, the name and identification of the raffle ticket purchaser who purchases a raffle ticket, and said processor verifies if the name and identification number match said registration record stored in said raffle ticket purchaser data base, and records the ticket purchase record

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in the data base if the name and identification numbers have a verified match (paragraph 0027).

Referring to claim 5. Pellegrini further discloses a computer wherein said processor determines if the determined total raffle ticket purchases exceeds a threshold number of tickets to be sold for said article, if the determined total exceeds a threshold number of tickets sold said processor:

- Declares the raffle session, for said article closed (paragraph 0028 and paragraph 0029);
- Sends the total ticket numbers sold to a winning ticket number selector (paragraph 0028 and paragraph 0029);
- Determines a winning ticket number by selection means (paragraph 0028 and paragraph 0029);
- Retrieves the recorded ticket purchases records for said article (paragraph 0028 and paragraph 0029);
- Determines said raffle ticket purchaser account that corresponds to the retrieved ticket purchase number record (paragraph 0028 and paragraph 0029); and
- Notifies the raffle ticket purchaser that they have won the article raffled (paragraph 0028 and paragraph 0029).

Referring to claim 6. Pellegrini further discloses a computer wherein after said processor updates a total number of said raffle ticket purchases associated with a said article, said processor sends said updated total number or raffle ticket purchases associated with the article through said communication component and said computer

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network to said plurality of remote computers associated with the article and raffle ticket purchaser (Figure 1 and Figure 2).

Referring to claim 7. Pellegrini further discloses a computer wherein said updated ticket numbers are sent as percentages instead of actual number of raffle tickets sold in order to keep the updated total number of raffle tickets sold confidential (paragraph 0039 through paragraph 0041).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kanatani, U.S. Patent Application Publication US 2001/0037239, November 1, 2001, discloses a method for a network-based revenue model utilizing a raffle contest.

"Online Firm Ends Raffle Service," The Associated Press, Albuquerque Journal, Albuquerque, NM, September 16, 1999

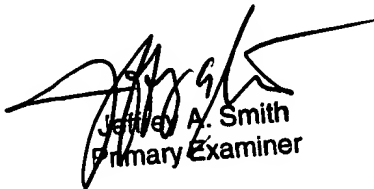
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew s Gart whose telephone number is 703-305-5355. The examiner can normally be reached on 8:30AM to 5:00PM m-f.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on 703-308-1344. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MSG
March 29, 2004



Jeffrey A. Smith
Primary Examiner